

JS 44 (Rev. 10/20)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS**EDDIE BANKS-CROSSON**

(b) County of Residence of First Listed Plaintiff **Philadelphia**
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

**Joel J. Kofsky, Esquire, Law Offices of Joel J. Kofsky,
1500 JFK Boulevard, Two Penn Center, #550,
Philadelphia, PA 19102 - (215) 735-4800**

DEFENDANTS**STATE FARM INSURANCE COMPANY**

County of Residence of First Listed Defendant **McLean**
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**James P. Shay, Bricklin & Saltzburg LLC, Centre Square,
West Tower, 1500 Market Street, 32nd Floor, Philadelphia,
PA 19102 - (215) 561-4300**

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input checked="" type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. § 1332, 1441 & 1446

Brief description of cause:
Breach of contract

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
More than \$75,000

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

Aug 1, 2023

SIGNATURE OF ATTORNEY OF RECORD

/s/ James P. Shay

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 2641 East Huntingdon Street, Philadelphia, PA 19125
 Address of Defendant: One State Farm Plaza, Bloomington, Illinois 61710
 Place of Accident, Incident or Transaction: Philadelphia, PA

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 08/01/2023 /s/ James P. Shay 320579
 Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
☐ 2. FELA
☐ 3. Jones Act-Personal Injury
☐ 4. Antitrust
☐ 5. Patent
☐ 6. Labor-Management Relations
☐ 7. Civil Rights
☐ 8. Habeas Corpus
☐ 9. Securities Act(s) Cases
☐ 10. Social Security Review Cases
☐ 11. All other Federal Question Cases
 (Please specify): _____

B. Diversity Jurisdiction Cases:

- ☒ 1. Insurance Contract and Other Contracts
☐ 2. Airplane Personal Injury
☐ 3. Assault, Defamation
☐ 4. Marine Personal Injury
☐ 5. Motor Vehicle Personal Injury
☐ 6. Other Personal Injury (Please specify): _____
☐ 7. Products Liability
☐ 8. Products Liability – Asbestos
☐ 9. All other Diversity Cases
 (Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, _____, counsel of record or pro se plaintiff, do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
☐ Relief other than monetary damages is sought.

DATE: _____ Sign here if applicable _____
 Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EDDIE BANKS-CROSSON	:	
	:	
v.	:	
	:	NO.
STATE FARM INSURANCE	:	
COMPANY	:	

NOTICE OF REMOVAL

AND NOW, comes the Defendant, State Farm Mutual Automobile Insurance Company, incorrectly designated as State Farm Insurance Company (“State Farm” or “Defendant”), for the purpose of filing a notice of removal of this case to the United States District Court for the Eastern District of Pennsylvania, and in support thereof respectfully avers as follows:

1. This is a civil action filed and currently pending in the Court of Common Pleas of Philadelphia County, Pennsylvania, Docket No: 230602725.

1. Plaintiff, Eddie Banks-Crosson (“Plaintiff”) initiated this action via Complaint filed on June 28, 2023. A time-stamped copy of the Complaint is attached hereto as **Exhibit A**.

2. On July 3, 2023, Defendant was served with the Complaint.

3. Defendant seeks to remove this matter to the United States District Court for the Eastern District of Pennsylvania pursuant to 28 U.S.C. §1446(b).

4. 28 U.S.C. §1446(b) provides that:

The notice of removal of a civil action or proceeding shall be filed within thirty days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based.

5. This Notice of Removal is timely under 28 U.S.C. §1446(b), as it is being filed within thirty (30) days of service of the Complaint.

6. As the moving party, Defendant bears the burden of proving that jurisdiction is proper in federal court. Russ vs. State Farm Mut. Auto. Ins. Co., 961 F.Supp. 808, 810 (E.D. Pa. 1997).

7. In determining whether the jurisdiction amount has been satisfied, the Court must first look at the Complaint. Angus vs. Shiley, Inc., 989 F.2d 142, 145 (3rd Circ. 1993).

8. Plaintiff is a citizen of the Commonwealth of Pennsylvania. See Exhibit A at ¶ 1.

9. Defendant, State Farm, is now, and was at the time Plaintiff commenced this civil action, a mutual insurance company organized under the laws of the State of Illinois with its principal place of business located at One State Farm Plaza, Bloomington, McLean County, Illinois 61710 and therefore, is a citizen of Illinois for purposes of determining diversity under 28 U.S.C. §1332(c)(1).

10. The underlying lawsuit as alleged in the Complaint arises out of Plaintiff's underinsured motorist claim related to a motor vehicle accident that occurred in Philadelphia, Pennsylvania on February 25, 2022. See Exhibit A at ¶ 4.

11. The Complaint asserts a breach of contract action against Defendant related to the handling of said underinsured motorist claim.

12. The amount in controversy in this matter is in excess of Seventy-Five Thousand Dollars (\$75,000) exclusive of interest and costs, in that Plaintiff alleges in the Complaint:

- a. As a result of the aforesaid accident, Plaintiff, Eddie Banks-Crosson, sustained serious, severe, and debilitating injuries, injuries to the neck, back, shoulders, chest, head, knees, body and extremities; and other injuries which may be known, other injuries which may be unknown and others which may develop, some or all of which

may be permanent in nature. *Id.* at ¶ 8.

- b. A request for judgment in favor of Plaintiff and against Defendant State Farm for an amount in excess of Fifty Thousand Dollars (\$50,000.00) in compensatory damages, together with interest and costs of suit *Id.*

13. Additionally, counsel discussed if Plaintiff would be willing to stipulate to cap total damages at \$75,000.00 to avoid removal of the matter to this Court. Plaintiff has since expressly declined to agree to stipulate to the same.

14. Defendant therefore maintains that it has met its burden that diversity jurisdiction is proper, based upon the claims asserted in the Complaint and the representations of counsel.

15. The averments made herein are true and correct with respect to the date and time upon which suit was commenced, and the date upon which this notice is filed.

16. Defendant has, simultaneously with the filing of this notice, given written notice to Plaintiffs and their counsel.

17. Defendant is also filing a copy of the instant notice of removal and all attachments thereto with the Prothonotary of the Court of Common Pleas of Philadelphia County.

WHEREFORE, Defendant, hereby requests removal of this suit to this Honorable Court pursuant to the laws of the United States in such cases made and provided.

BENNETT, BRICKLIN & SALTZBURG LLC

BY: /s/ James P. Shay
JAMES P. SHAY, ESQUIRE
I.D. No. 320579
Centre Square, West Tower
1500 Market Street, 32nd Floor
Philadelphia, PA 19102
(215) 561-4300
shay@bbs-law.com

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EDDIE BANKS-CROSSON	:	
	:	
v.	:	
	:	NO.
STATE FARM INSURANCE	:	
COMPANY	:	

NOTICE

TO: Eddie Banks-Crosson
c/o Joel J. Kofsky, Esquire
Law Offices of Joel J. Kofsky
1500 JFK Boulevard
2 Penn Center, #550
Philadelphia, PA 19102

PLEASE TAKE NOTICE that Defendant, State Farm Mutual Automobile Insurance Company, incorrectly designated as State Farm Insurance Company, has filed in this Court a verified Notice for Removal of the State Court action, Eddie Banks-Crosson v. State Farm Insurance Company, now pending in the Court of Common Pleas of Philadelphia County, Pennsylvania, Docket No: 230602725.

PLEASE TAKE FURTHER NOTICE, that a certified copy of the Notice of Removal will be filed with the Prothonotary of the Court of Common Pleas of Philadelphia County, Pennsylvania.

PLEASE BE ADVISED, that by virtue of 28 U.S.C. §1446(f), the State action is now removed to this Court. The State Court has no further jurisdiction over this action and you should proceed no further in that Court or under its authority.

BENNETT, BRICKLIN & SALTZBURG LLC

BY: /s/ James P. Shay
JAMES P. SHAY, ESQUIRE
Attorney for Defendant,
State Farm Mutual Automobile Insurance Company,
incorrectly designated as State Farm Insurance
Company

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<hr/>		
EDDIE BANKS-CROSSON	:	
	:	
v.	:	
	:	NO.
STATE FARM INSURANCE	:	
COMPANY	:	
<hr/>		

**DEFENDANT’S CERTIFICATION OF FILING OF COPY OF NOTICE OF
REMOVAL WITH STATE COURT**

James P. Shay, Esquire, being duly sworn according to law, deposes and says that he is an associate of the law firm of Bennett, Bricklin & Saltzburg LLC, attorneys for defendant, State Farm Mutual Automobile Insurance Company, incorrectly designated as State Farm Insurance Company, and that he did direct the filing with the Prothonotary of Philadelphia County a copy of the Notice of Removal attached hereto, said filing to be made on June 30, 2023, by electronic filing.

Dated: August 1, 2023

BENNETT, BRICKLIN & SALTZBURG LLC

BY: /s/ James P. Shay
JAMES P. SHAY, ESQUIRE
Attorney for Defendant,
State Farm Mutual Automobile Insurance Company,
incorrectly designated as State Farm Insurance
Company

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EDDIE BANKS-CROSSON	:	
	:	
v.	:	
	:	NO.
STATE FARM INSURANCE	:	
COMPANY	:	

CERTIFICATE OF SERVICE

James P. Shay, Esquire, after being first duly sworn upon oath, deposes and says that he is an associate of the law firm of Bennett, Bricklin & Saltzburg LLC, attorneys for the defendant, State Farm Mutual Automobile Insurance Company, incorrectly designated as State Farm Insurance Company, and that he did serve this 1st Day of August, 2023, the aforementioned Notice to plaintiffs upon the individual named below by electronic mail to:

Eddie Banks-Crosson
c/o Joel J. Kofsky, Esquire
Law Offices of Joel J. Kofsky
1500 JFK Boulevard
2 Penn Center, #550
Philadelphia, PA 19102

Dated: August 1, 2023

BENNETT, BRICKLIN & SALTZBURG LLC

BY: /s/ James P. Shay
JAMES P. SHAY, ESQUIRE
Attorney for Defendant,
State Farm Mutual Automobile Insurance Company,
incorrectly designated as State Farm Insurance
Company

AFFIDAVIT

I, James P. Shay, Esquire, being duly sworn according to law, do hereby depose and state that I am the attorney for Defendant, State Farm Mutual Automobile Insurance Company, incorrectly designated as State Farm Insurance Company, the Petitioner in the foregoing Notice of Removal, that I have been duly authorized by the Petitioner to execute this Affidavit, that I am familiar with the facts involved in this matter, and that the allegations set forth in the foregoing Notice of Removal are true and correct to the best of my knowledge, information and belief.

/s/ James P. Shay

JAMES P. SHAY, ESQUIRE

DATE: August 1, 2023

Exhibit A

Court of Common Pleas of Philadelphia County
Trial Division**Civil Cover Sheet**

For Prothonotary Use Only (Docket Number)

JUNE 2023**02725**

E-Filing Number: 2306060075

PLAINTIFF'S NAME EDDIE BANKS-CROSSON		DEFENDANT'S NAME STATE FARM INSURANCE COMPANY	
PLAINTIFF'S ADDRESS 2641 EAST HUNTINGDON STREET PHILADELPHIA PA 19125		DEFENDANT'S ADDRESS ONE STATE FARM PLAZA BLOOMINGTON IL 61710	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 1	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input checked="" type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other: _____		
CASE TYPE AND CODE 2V - MOTOR VEHICLE ACCIDENT			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
		FILED PRO PROTHY JUN 28 2023 I. LOWELL	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>EDDIE BANKS-CROSSON</u> Papers may be served at the address set forth below.			
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY JOEL J. KOFSKY		ADDRESS 1500 JFK BOULEVARD 2 PENN CENTER SUITE 550 PHILADELPHIA PA 19102	
PHONE NUMBER (215) 735-4800	FAX NUMBER (215) 735-7919		
SUPREME COURT IDENTIFICATION NO. 61114		E-MAIL ADDRESS litigation@phillyinjurylawyer.com	
SIGNATURE OF FILING ATTORNEY OR PARTY JOEL KOFSKY		DATE SUBMITTED Wednesday, June 28, 2023, 07:24 am	

THE LAW OFFICES OF JOEL J. KOFSKY
JOEL J. KOFSKY, ESQUIRE
ATTORNEY I.D. #61114
1500 JFK BOULEVARD
2 PENN CENTER, #550
PHILADELPHIA, PA 19102
(215)735-4800

MAJOR NON JURY

*Filed and Attested by the
Office of Judicial Records
28 JUN 2023 07:24 am
I. LOWELL*

ATTORNEY FOR PLAINTIFF

EDDIE BANKS-CROSSON
2641 East Huntingdon Street
Philadelphia, PA 19125
Plaintiff

VS.

STATE FARM INSURANCE COMPANY
One State Farm Plaza
Bloomington, IL 61710
Defendant

**COURT OF COMMON PLEAS
PHILADELPHIA COUNTY**

JUNE TERM, 2023

NO.

NOTICE TO DEFEND

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help. This office can provide you with information about hiring a lawyer. If you cannot afford to hire a lawyer, this office may be able to provide you with information about agencies that may offer legal services to eligible persons at a reduced fee or no fee.

Philadelphia Bar Association
Lawyer Referral
Legal and Information Service
1101 Market Street
Philadelphia, Pennsylvania 19107
(215) 238-6333

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte sude decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted purde perer dinero o sus propiedades u otros derechos importantes para usted.

Lleva esta demanda a un abogado inmediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio. Vaya en persona o llame por telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde se sude conseguir asistencia legal.

Asociacion de Licenciados
de Filadelfia Servicio de Referencia Informacion
1101 Market Street
Filadelfia, Pennsylvania 19107
(215) 238-6333

THE LAW OFFICES OF JOEL J. KOFSKY
JOEL J. KOFSKY, ESQUIRE
ATTORNEY I.D. #61114
1500 JFK BOULEVARD
2 PENN CENTER, #550
PHILADELPHIA, PA 19102
(215)735-4800

MAJOR NON-JURY

ATTORNEY FOR PLAINTIFF

EDDIE BANKS-CROSSON
 2641 East Huntingdon Street
 Philadelphia, PA 19125
Plaintiff

vs.

STATE FARM INSURANCE COMPANY
 One State Farm Plaza
 Bloomington, IL 61710
Defendant

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

JUNE TERM, 2023

NO.

CIVIL ACTION COMPLAINT
BREACH OF CONTRACT
UNDERINSURED MOTORIST COVERAGE

Plaintiff, Eddie Banks-Crosson, by and through her undersigned counsel, files this Civil Action Complaint against Defendant, State Farm Insurance Company, and in support thereof, avers as follows:

1. Plaintiff, Eddie Banks-Crosson, is an adult individual residing at the above-captioned address.
2. Defendant, State Farm Insurance Company is, upon information and belief, a corporation or other business entity regularly, systematically and continuously conducting business within the City and County of Philadelphia and the Commonwealth of Pennsylvania, with a principal place of business located at the above-captioned address.
3. Jurisdiction and Venue are proper in the Court of Common Pleas of Philadelphia County, in that all events relevant to this matter occurred in Philadelphia County, Pennsylvania and the Defendant regularly conducts business within said county.
4. On or about February 25, 2022 at about 4:00 P.M., Plaintiff, Eddie Banks-Crosson,

was parked on Borbeck Avenue at or near its intersection with Bustleton Avenue in Philadelphia, Pennsylvania.

5. At or about the same date, time, location, Serif Kovacevic was operating a motor vehicle traveling on Borbeck Avenue at or near its intersection with Bustleton Avenue Philadelphia, Pennsylvania when he rear-ended Plaintiff, causing a violent collision with Plaintiff's vehicle, thereby causing Plaintiff to sustain injuries.

6. On the aforesaid date, time and location, Serif Kovacevic suddenly, and without warning, caused a violent collision with Plaintiff's vehicle, causing the Plaintiff to sustain severe and permanent personal injuries and other damages as more fully set forth herein.

7. The above-described collision was caused solely by the negligence and carelessness of defendant/tortfeasor, Serif Kovacevic, and was in no manner due to any act or omission on the part of the Plaintiff.

8. As a result of the aforesaid accident, Plaintiff, Eddie Banks-Crosson, sustained serious, severe, and debilitating injuries, injuries to the neck, back, shoulders, chest, head, knees, body and extremities; and other injuries which may be known, other injuries which may be unknown and others which may develop, some or all of which may be permanent in nature.

9. As a further result of the said accident, Plaintiff, Eddie Banks-Crosson, has and will incur pecuniary damages including, but not limited to rental car costs, storage costs, alternative transportation costs and property damage to said vehicle.

COUNT I – BREACH OF CONTRACT
EDDIE BANKS-CROSSON vs. STATE FARM INSURANCE COMPANY INSURANCE

10. Plaintiff, Eddie Banks-Crosson, hereby incorporates all preceding paragraphs of this Complaint as though fully set forth herein.

11. At all times material hereto, Plaintiff, and the motor-vehicle which Plaintiff was

operating, was insured on the automobile insurance policy issued by Defendant, State Farm Insurance Company Insurance, under policy number 470 9541-A01-38, which included underinsured motorist coverage. Proof of Defendant's insurance policy is attached hereto as **Exhibit "A."**

12. Plaintiff, Eddie Banks-Crosson, filed a claim for the motor-vehicle accident against Serif Kovacevic and received a tender of policy limits of 15,000.00.

13. Defendant provided consent to settle the third-party claim.

14. Plaintiff, Eddie Banks-Crosson, is entitled to payment of a sum of money to be fully and fairly compensated for the accident-related injuries and damages.

15. Defendant, State Farm Insurance Company, has failed to make any payments under the underinsured motorist provision of the policy under which Plaintiff is a beneficiary.

16. The failure of Defendant, State Farm Insurance Company, to make said payments under the binding provisions of the policy constitutes a breach of contract under the State Farm Insurance Company Policy.

17. As a result of Defendant, State Farm Insurance Company, breaching the contract, Plaintiff has suffered and will continue to suffer damages.

WHEREFORE, Plaintiff, Eddie Banks-Crosson, demands judgment in her favor and against Defendant, State Farm Insurance Company, for an amount in excess of Fifty Thousand Dollars (\$50,000.00) in compensatory damages, together with interest and costs of suit.

THE LAW OFFICES OF JOEL J. KOFSKY

Date: **06/26/23**

BY: /s/
JOEL J. KOFSKY, ESQUIRE
Attorney for Plaintiff

VERIFICATION

I, Eddie Banks-Crosson, am the Plaintiff in this action and hereby verify that the statements made in the foregoing pleading are true and correct to the best of my knowledge, information, and belief.

I understand that the statements in said pleading are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.



Signature

DATE: 06/26/23

EXHIBIT “A”

State Farm Mutual Automobile Insurance Company
PO Box 89000
Atlanta GA 30356-9900

NAMED INSURED
AT3 004211 0058 38-16A2-2 P A
BANKS-CROSSON, EDDIE
2641 E HUNTINGDON ST
PHILADELPHIA PA 19125-4024



|||||

ST208
09042102

R 05316-2-P

MUTL VOL

DECLARATIONS PAGE

NAIC# 25178

PAGE 1 OF 2

POLICY NUMBER 470 9541-A01-38

POLICY PERIOD JUL 01 2021 to JAN 01 2022
12:01 A.M. Standard Time

STATE FARM PAYMENT PLAN NUMBER
1315553213

AGENT

CHARLES BERROUET INS AGCY INC
4105 LANCASTER AVE
PHILADELPHIA, PA 19104-1726

PHONE: (215)921-8029

DO NOT PAY PREMIUMS SHOWN ON THIS PAGE.
IF AN AMOUNT IS DUE, THEN A SEPARATE STATEMENT IS ENCLOSE D.

YOUR CAR

YEAR	MAKE	MODEL	BODY STYLE	VEHICLE ID. NUMBER	CLASS
2011	NISSAN	MAXIMA	4DR	1N4AA5AP7BC866070	1000605000

SYMBOLS	COVERAGE & LIMITS	PREMIUMS
A	Liability Coverage	\$346.10
	Bodily Injury Limits	
	Each Person, Each Accident	
	\$100,000 \$300,000	
	Property Damage Limit	
	Each Accident	
	\$100,000	
C2	Medical Payments Coverage	\$83.39
	Limit - Each Person	
	\$5,000	
D	Comprehensive Coverage - \$500 Deductible	\$87.86
G	Collision Coverage - \$500 Deductible	\$310.55
H	Emergency Road Service Coverage	\$4.18
R1	Car Rental and Travel Expenses Coverage	\$17.49
	Limit - Car Rental Expense	
	Each Day, Each Loss	
	80% \$1,000	
U3	Uninsured Motor Vehicle Coverage	\$49.27
	Bodily Injury Limits	
	Each Person, Each Accident	
	\$100,000 \$300,000	
W3	Underinsured Motor Vehicle Coverage	\$96.69
	Bodily Injury Limits	
	Each Person, Each Accident	
	\$100,000 \$300,000	
F	Funeral Benefits Coverage	\$.71
	Each Person Limit	
	\$2,500	
Y3	Death, Dismemberment, and Loss of Sight Coverage	\$4.56
Z1	Loss of Income Coverage	\$8.06
Total premium for JUL 01 2021 to JAN 01 2022.		\$1,008.86 This is not a bill.

IMPORTANT MESSAGES

New Policy Form

State Farm works hard to offer you the best combination of price, service, and protection. The amount you pay for automobile insurance is determined by many factors such as the coverages you have, where you live, the kind of car you drive, how your car is used, who drives the car, and information from consumer reports.

You have the right to request, no more than once during a 12-month period, that your policy be re-rated using a current credit-based insurance score. The resulting impact due to the credit portion of the re-rated insurance score will not increase your premium; however, your overall premium may decrease, remain the same, or increase due to other factors impacting your total premium.

Case ID: 230602725